

Judge reduces EMS settlement

Lexington employees sought overtime pay

By BOB KUDELKA
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Instead of paying out about \$600,000 to paramedics who sued in an overtime dispute, Lexington County will likely end up owing less than half that amount.

That's because a federal judge has amended an earlier decision, and damages owed to 63 current or former EMS employees have been sharply decreased. A final ruling in the 1993 lawsuit is expected soon by federal district Judge Julian A. Cook Jr.

Last spring, Cook ruled that the county broke federal labor law by paying its paramedics "fluctuating" overtime that often equaled just a few dollars an hour.

In a recent decision, however, Cook changed part of the ruling based on a similar case decided in the 4th Circuit Court of Appeals.

Lexington County employees had argued that they were entitled to be paid time and a half in overtime because there was no "clear mutual understanding" of their compensation. Yet the appeals court, in a case brought against Georgetown County, said employers don't have to explain how over-

time is calculated.

So instead of the county owing about \$600,000, it will probably owe about \$230,000, said Jim Richardson, a Columbia attorney representing the paramedics. This breaks down to an average of about \$3,600 per person as opposed to nearly \$10,000 each had the judge not changed his mind.

The judge still says the county erred in treating EMS employees as law enforcement officers and not paying them overtime until after 43 hours worked in a week. That's where the \$230,000 was calculated, and attorneys fees were included.

Until 1995, Lexington County's paramedics, firefighters and sheriff's deputies had an overtime system in which for each extra hour worked, an employee got half their regular hourly wage. The County Council voted in 1995 to scrap the pay system in favor of time-and-a-half for overtime after 40 hours in a one-week period.

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Lexington County paying \$266,074 in overtime suit

■ Lexington County is paying \$266,074 to 60 current or former EMS employees who sued the county five years ago in an overtime dispute.

The 4th Circuit Court of Appeals has affirmed a 1995 judgment against the county, said attorney Jim Richardson, who represented the employees. The county also will have to pay about \$90,000 for the employees' legal fees.

Two years ago, a federal judge ruled that the county broke federal labor law by paying its paramedics "fluctuating" overtime that often equaled just a few dollars an hour. The county appealed the ruling.

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